

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.816 of 2021

1. The Union of India Through the General Manager, East Central Railway, Hajipur, Dist.- Vaishali (Bihar).
2. The General Manager (Personnel) East Central Railway, Hajipur, Dist.- Vaishali (Bihar).
3. The Divisional Railway Manager East Central Railway, Sonapur, P.O.- Sonpur, District- Saran (Bihar).
4. The Senior Divisional Personnel Officer East Central Railway, Sonapur, P.O.- Sonpur, District- Saran (Bihar).
5. The Senior Divisional Engineer (Co- Ordination), East Central Railway, Sonapur, P.O.- Sonpur, District- Saran (Bihar).
6. The Assistant Divisional Engineer (Land), East Central Railway, Sonapur, P.O.- Sonpur, District- Saran (Bihar).

... .. Petitioner/s

Versus

1. Vijay Kumar Son of Sheo Prasad Roy Khalasi under Assistant Divisional Engineer (Land), East Central Railway, Sonapur, P.O.- Sonpur, District- Saran (Bihar).
2. Yogeshwar Mandal Son of Late Dukhan Mandal Khalasi under Assistant Divisional Engineer (Land), East Central Railway, Sonapur, P.O.- Sonpur, District- Saran (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Verma, Sr.Advocate
For the Respondent/s	:	Mr.Munna Pd Dixit (M.P. Dixit), Advocate
		Mr. S.K.Dixit, Advocate
		Mr.S.K.Chowbey, Advocate
		Ms. Swastika, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-09-2022

In the instant petition, petitioner has assailed the order
of Tribunal dated 27.02.2019 passed in O.A. No. 807 of 2015.



Grievance of the respondent is relating to promotion to the post of Junior Clerk. The Tribunal in Para 6 of the order has held as under:-

“ We have gone through the pleadings and had the arguments of the learned counsel of both the sides. It is clear from the documents produced before us through the respondents have alleged treating Khalasis at the Headquarters and also in the field units in the same line of promotion, such opportunity for promotion has apparently not been provided to Khalasis working at the Headquarters. It seems that the one-time exemption provided earlier was also for the purpose of taking care of this lack of promotion opportunity amongst Khalasis/Malis working at the Headquarters. Though the respondents have quoted Annexure R/3 to show the track of promotion of available to Khalasis, Annexure P/8 produced by applicants makes it clear that this line of promotion is made available only to Khalasis working in the field units. Since the rules of the Railways do provide for making exemption to take care of eventualities where no promotion opportunities exist and since they have made exception in the past for this purpose, it would serve the interest of justice if such an exception which was made in 2008 is done again in case of applicants who were tentatively allowed by this Tribunal to appear in the LDCE held on 31.10.2015. We, therefore, direct the respondents to consider the results of the applicants who appeared in the exam and considered them for selection against 33.33% quota for promotion is Junior Clerk against vacancies notified vide notification dated 03.07.2015 if there results kept in sealed cover entitles them to promoted (in case they have secured more marks than



those declared selected). This should be done within a period of three months of the date of receipt of this order. The OA is disposed of accordingly. No order as to costs.”

The petitioner could not apprise as to what is error committed by the Tribunal with reference to relevant executive orders/rules governing the post of Junior Clerk. In the absence of any ground to contend that the Tribunal has committed error there is no point in entertaining the present writ petition.

Accordingly, the present writ petition stands dismissed with cost of Rs.25000/-. Cost shall be remitted in Patna High Court Legal Services Committee.

At this stage, learned counsel for the petitioner seeks permission to withdraw this petition.

Accordingly, the present petition stands dismissed as withdrawn.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

